

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JUDY GRAHAM,

6:12-CV-01770-PK

Plaintiff,

ORDER

v.

CAROLYN W. COLVIN, Acting
Commissioner, Social Security
Administration,¹

Defendant.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#27) on January 29, 2014, in which he recommends this Court grant the Commissioner's Motion (#23) to Remand this matter for further proceedings. The matter is now before this

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for Michael J. Astrue as Defendant in this case. No further action need be taken to continue this case by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405. Procedure 72(b).

Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#27). Accordingly, the Court **GRANTS** the Commissioner's Motion (#23) to Remand and **REMANDS** this matter to the Commissioner for evaluation of the 2007 report of Plaintiff's treating psychiatrist Gale Smolen, M.D., and the effect of Dr. Smolen's report on the evaluation of Plaintiff's severe impairments at Step Two and on the assessment of Plaintiff's Residual Functional Capacity.

IT IS SO ORDERED.

DATED this 24th day of February, 2014.



ANNA J. BROWN
United States District Judge